SCTC No. 589

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES (1995-96)

(TENTH LOK SABHA)

FIFTY-FIFTH REPORT

MINISTRY OF FINANCE (DEPARTMENT OF REVENUE)

Action Taken by Government on the recommendations contained in the Fiftieth Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Tenth Lok Sabha) on the Ministry of Finance (Department of Revenue)—Reservation for and employment of Scheduled Castes and Scheduled Tribes in Central Board of Direct Taxes and Central Board of Excise and Customs.

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LOK SABHA SECRETARIAT
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COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES (1995-96)

Shri Paras Ram Bhardwaj — *Chairman*

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4. Shri Gopal Singh — *Under Secretary*

INTRODUCTION

I, the Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes, having been authorised by the Committee to finalise and submit the Report on their behalf, present this Fifty-Fifth Reprot (Tenth Lok Sabha) on Action Taken by Government on the recommendations of the Committee contained in their Fiftieth Report (Tenth Lok Sabha) on Ministry of Finance (Department of Revenue) — 'Reservation for and employment of Scheduled Castes and Scheduled Tribes in Central Board of Direct Taxes and Central Board of Excise and Customs.'

2. The Report was considered and adopted by the Committee on 8 November, 1995.

3. The Report has been divided into the following chapters:—

I. Report

II. Recommendations/observations which have been accepted by Government

III. Recommendations/observations which the Committee do not desire to pursue in view of the replies of Government

IV. Recommendations/observations in respect of which replies of Government have not been accepted by the Committee and which require reiteration.

V. Recommendations/observations in respect of which final replies of Government have not been received.

4. An analysis of the Action Taken by Government on the recommendations of the Committee contained in the Fiftieth Report is given in Appendix. It would be observed therefrom that out of 15 recommendations/observations contained in the Report, eleven recommendations i.e. 73.33 percent have been accepted by Government. The Committee do not desire to pursue the remaining four recommendations *i.e.* 26.67 percent of the total recommendations in view of Government replies.

PARAS RAM BHARDWAJ,
Chairman,
Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

NEW DELHI;
December, 1995
Agrahayana, 1917(S)

CHAPTER I

REPORT

1.1 This Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes deals with the action taken by the Government on the recommendations contained in their Fiftieth Report (Tenth Lok Sabha) on the Ministry of Finance (Department of Revenue) on "Reservation for and employment of Scheduled Castes and Scheduled Tribes in Central Board of direct Taxes and Central Board of Excise and Customs.

1.2 The Fiftieth Report was presented to Lok Sabha on 28th April, 1995. It contained 15 recommendations. Replies of the Government in respect of these recommendations have been examined and may be categorised as under:—

(i) Recommendations/Observations which have been accepted by Government (Sl. Nos. 3, 4, 6, 8, 9, 10, 11, 12, 13, 14, and 15).

(ii) Recommendations/Observations which the Committee do not desire to pursue in the light of the replies received from the Government (Sl. Nos. 1, 2, 5 and 7).

(iii) Recommendations/Observations replies to which have not been accepted by the Committee which need reiteration (Nil).

(iv) Recommendations/Ovservations in respect of which final replies of the Government have not been received (Nil).

1.3 The Committee will now deal with the action taken replies of the Government which need merit comment.

Organisational Set Up

Recommendation (Sl. Nos. 1 and 2, Para Nos. 1.4 and 1.7)

1.1 The Committee recommended that the Government should amend the existing guidelines so that atleast one person belonging to SC/ST Community, having necessary qualifications, should be appointed as a Member of CBDT so that the interest of SC/ST can be better taken care of.

1.2 In their reply the Government stated that Selection for appointment to the post of Members in the pay scale of Rs. 7300—8000 in the Central Board of Direct Taxes is made on the basis of seniority, merit, competence and suitability of officers. There is no difficulty or constraint in appointing any SC/ST person as a Member of the Central Board of Direct Taxes, provided an eligible person belonging to reserved category is available within the zone of consideration in the feeder grade of the Chief Commissioners of Income Tax.

1.3 In regard to CBEC the Committee recommended that the Ministry should issue necessary instructions to CBEC so that at least one person belonging to SC/ST category, having necessary qualifications could be appointed as Member on the Board of CBEC in future.

1.4 The Ministry have replied that there is no difficulty or constraint in appointing any SC/ST person as a Member of the Board of CBEC, provided an eligible person belonging to reserved category is available within the zone of consideration in the feeder grade of the Chief Commissioners of Excise and Customs.

1.5 The Committee note that there is no difficulty or constraint in appointing any SC/ST person as a Member of the Board of CBDT and CBEC provided an eligible person belonging to reserved category is available within the Zone of Consideration in the feeder grade of the Chief Commissioner of Income Tax or Chief Commissioner of Excise and Customs respectively. The Committee are confident that this commitment will be enforced by the Government in both letter and spirit by giving necessary relaxation to SCs and STs in the appointment of Director on the Board of CBDT and CBEC.

Promotion in CBDT

Recommendation (Sl. No. 5, Para No. 3.7)

1.6 The Committee recommended that the Ministry of Finance should make all out efforts to fill up the backlog vacancies reserved for SCs and STs as early as possible by giving some concessions in the qualifying period of service to them. They also recommended that the Ministry should continue to fill up the reserved promotional posts by diverting them to direct recruitments.

1.7 In reply the Government have stated that according to the instructions issued by the Government of India in their O.M. No. AB—14017/30/89-EST(RR) dated 10.7.90 where recruitment to a grade is made both by promotion and direct recruitment, reserved vacancies falling in the promotion quota, which cannot be filled due to non-availability of eligible persons belonging to SCs/STs in the feeder cadre may be temporarily diverted to the direct recruitment quota and filled by recruitment of candidates belonging to SCs/STs, in accordance with the provision relating to direct recruitment contained in the Recruitment Rules. In the subsequent years when reserved vacancies in the direct recruitment quota become available, they may be diverted to promotion quota to make up for the vacancies diverted earlier and filled from SC/ST candidates in the feeder cadre, who might by them have become eligible for promotion. The above procedure is not applicable in cases where the posts in a cadre are filled 100% by promotion or in which there is no limit of direct recruitment prescribed in the Recruitment Rules. Most of the promotion posts in Gr. 'C'/ 'D' in the Income-Tax Department are filled 100% by promotion, as shown below, and therefore, there is no violation of Government instructions in non-diversion of the unfilled SC/ST reserved vacancies in the promotion quota to the direct recruitment quota:—

Supervisor Gr. I	—	100% by promotion from
	—	Supervisor Gr. II.
Supervisor Gr. II	—	100% by promotion from
	—	Head Clerks.

Head Clerks	—	100% by promotion from
	—	UDC (including TAs).
Tax Assistants	—	100% by promotion from UDC.
Record Keeper	—	100% by promotion.
Notice Servers	—	100% by promotion from Gr. D.
Stenographer Gr. I	—	100% by promotion from
	—	Stenographer Gr. II.
Stenographer Gr. II	—	100% by promotion from
	—	Stenographer Gr. III.
Sr. Gestetner	—	100% by promotion from
Operator	—	Jr. Gestetner Operator.
Jamadar/Daftry	—	100% by promotion from
	—	Farrash.
Jr. Gestetner Operator	—	100% by promotion from Gr. D.

The existing instructions issued by the Govt. of India do not provide for any concession for SC/ST candidates in the qualifying period of service or other conditions laid down in the Recruitment Rules for promotion to the next higher post. The recommendation of the Committee that some concessions in the qualifying period of service should be given to SC/ST employees has been referred to the DOP&T for necessary action.

1.8 The Committee desire that they may be apprised of the fintal outcome of the decision of the Department of Personnel and Training regarding provision of concessions to SCs and STs in the qualifying period of service for promotion in CBDT.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY GOVERNMENT

Recommendation (Sl. No. 3, Para No. 2.4)

The Committee note that the number of vacancies carried forward in Group C category in respect of SCs and STs for the years 1992, 1993 and 1994 were 207-182. 147-198 and 184-167 despite the fact that the number of posts actually filled during these years were 1105, 1121, and 1263 respectively. In case of Group D posts also the number of vacancies carried forward for STs during the last three years were 35, 34 and 39 respectively. The Committee take a very serious view of this huge carry forward vacancies. The reasons attributed for the carry forward vacancies, are; the imposition of ban on de-reservation of reserved vacancies and diversion of promotional posts to direct recruitment quota and also non- availability of eligible persons. The Committee are not convinced with the reasons put forward by the ministry for non-availability of eligible SC/ST. It is observed that the Ministry have not made serious efforts in the past to recruit adequate number of SC/ST candidates to fill up the reserved vacancies. The Committee, therefore, recommend that all out efforts should be made by the Ministry of Finance to fill up the vacancies reserved for SCs and STs. The Committee also recommend that Ministry of Finance, CBDT should assess the requirement of SC/ST manpower for the next five years category wise and take measures for their timely selection and recruitment.

Reply of Government

There is no shortfall, on overall basis, in the employment of SC/ST personnel as against reserved vacancies for direct recruitment, in so far as the Income Tax Department is concerned. The normal vacancies for SC/ST arising in the direct recruitment quota in various grades in Gr. 'C' *viz.* LDCs/UDCs/Inspectors/Stenographer Gr. III, etc. in various Charges in the Income Tax Department are notified to the Staff Selection Commission. The reserved vacancies for which nominations are not received from the Staff Selection Commission in any particular recruitment year are treated as backlog vacancies, which are filled through the Special Recruitment Drive from time to time. The Deptt. of Revenue (CBDT) has made serious effeorts in the past to recruit adequate number of reserved category candidates, especially vacancies reserved for ST. CBDT succeded in obtaining special permission from the Staff Selection Commission for filling ST vacancies in the grade of Stenographer Gr. III, through direct recruitment by the various Chief Commissioners of Income Tax/Commissioners of Income Tax, by inviting applications from S.T. candidates in the region. The various Charges have been able to fill ST vacancies in the grade of Stenographer Gr. III by ST candidates, as a result of direct recruitment action taken by them.

All the Charges in the Income Tax Department have been directed to make intensive efforts to fill up the vacancies reserved for SCs and STs. As recommended by the Committee, all the Charges have assessed the requirements of SC/ST man-

power for the next 5 years category-wise and suitable measures will be taken for the timely selection/recruitment against reserved vacancies.

Under the Special Recruitment Drive, 1995 following backlog vacancies in SC/ST in Gr. 'C' have been identified for filling through Special Recruitment Drive:—

SC	188
ST	250

CBDT has already requested SSC to take special measures to fill the above backlog vacancies of SC/ST for various grades, as already notified to them.

In regard to promotion of reserved category candidates in the promotion quota vacancies, it may be mentioned that all out efforts are made to fill the reserved vacancies by eligible reserved category candidates, in accordance with the instructions issued by DOP&T. Apart from the normal concessions and relaxation in favour of SC/ST granted by Govt. of India, the SC/ST employees working in the Income Tax Department are encouraged to qualify the various Departmental Examinations prescribed for promotion to higher categories of posts in Gr. 'C' and the qualifying standards are relaxed by 5% in the case of SC/ST employees.

Recommendation of the Committee

Pl. *See* para 1.5 of Chapter I

Recommendation (Sl. No. 4, Para No. 2.7)

The Committee are unhappy to note that large number of vacancies reserved for SC and ST categories have been carried forward in CBEC during the years 1992, 1993 and 1994 which were 278-275, 150-318 and 138- 360 respectively despite the fact that 3676, 3668 and 3196 candidates were actually recruited during the same period. In case of Group D also the number of vacancies carried forward for STs were 22, 8 and 9 respectively during the last three years. The Committee are surprised to find that instead of clearing the backlog, CBEC have failed even to fill up the current reserved posts. The reasons for continuous carry forward of reserved vacancies is stated to be non-availability of SC/ST candidates. These reasons are hardly convincing to the Committee. They feel that there is lack of serious efforts on the part of CBEC to overcome the carry forward vacancies. The Committee, therefore, recommend that the Ministry of Finance, CBEC should made concerted efforts to fill up the reserved vacancies for SCs and STs by pursing the matter with the Staff Selection Commission.

Reply of the Government

The Staff Selection Commission is responsible for direct recruitment of Gr.'C' Executive/Ministerial posts of LDCs/UDCs etc. for Central Excise and Customs. The Department of Personnel & Training, and Staff Selection Commission have been requested to initiate urgent action as recommended by the Committee. Further, all Heads of The Deptts. under CBEC have been directed to take immediate action for filling up of the backlog vacancies in the Gr. D Cadre (Direct Recruitment

quota). The Deptt. of Personnel & Training has now launched Special Recruitment Drive-1995 and the field formations under CBEC have been directed to liaise with SSC for filling up the backlog vacancies.

F.No. H-11016/1/95-Ad. IV(A), Dated 3.8.1995

Recommendation (Sl. No. 6, Para No. 3.13)

The Committee observe that the percentage of promotion for STs in Group A, B and C during the years 1992, 1993 and 1994 were 4.1-1.70-6.71, 2. 3-4.42-5.69 and 5.0-6.61, 7.47 respectively which is far short of the reservation percentage prescribed for them. The reasons for shortfall of reserved vacancies are stated to be non-availability of reserved candidates in the entire consideration list as the SC/ST candidates have not completed the requisite length of service. The Committee note that for promotion quota in CBEC their is a provision of carry forward. However, 190 reserved vacancies, having been carried forward for three subsequent years, are stated to be lapsed during the last three years. The Committee are surprised to find that CBEC does not impart pre-promotion training to any of its employee. The Committee recommend that all out efforts should be made to fill up the carry forward vacancies reserved for SCs/STs in promotion by giving concessions to them in qualifying period of service. The Committee also recommend that if promotional posts continue to remain unfilled for successive years, they may be filled up through direct recruitment. The Committee also recommend that CBEC should impart to pre-promotion training to SC/ST employees so that they may qualify to enable them for promotion.

Reply of the Government

The recommendations of the Committee have been noted. The matter has also been taken up with DOP&T, as the concessions in qualifying period of service, and filling up the unfilled promotion quota posts through Direct Recruitment are decided as per DOP&T's general instructions.

F.No. H-11016/1/95-AP. IV(A), Dated 3.8.1995

Recommendation (Sl. No. 8, Para No. 4.7)

The Committee note that at present 23 employees of CBEC are on deputation to other departments. The Committee note that during 1992, 1993 and 1994 the number of candidates sent on deputation were 21, 22 and 35 of which the SCs and STs were 3, 3 and 2 respectively. The Committee are unhappy about the low representation of SC/ST employees in deputation to other departments. They, therefore, recommend that adequate number of SC/ST candidates should be sent on deputation. The Committee should like to urge that CBEC should encourage SC/ST employees for deputation in other departments so that it will enhance their skill and aptitude etc.

Reply of the Government

Though there is no reservation for SC/ST in the deputation posts, however, all the HODs in the field formations under CBEC have been directed to note the recommendations of the Committee so as to ensure adequate representation of SC/ST on deputation posts.

F.No. H-11016/1/95-AD. IV(A), Dated 3.8.1995

Recommendation (Sl. No. 9, Para No. 5.5)

The Committee note that SC/ST cells have been set up in all the Chief Commissioner of Income Tax (CCIT) offices to look after the interests of SC/ST employees. The Committee also note that there is an apex SC/ST cell in the CBDT under the Chief Liaison Officer for SC/ST for the Income Tax Department as a whole. The Committee are surprised to find that no meeting of Liaison Officers has been organised so far. However, the Committee are happy to be informed that the Liaison Officers do meet the representatives of SC/ST employees welfare associations. The Committee are unhappy to note that there is no Liaison Officers belonging to SC/ST category. The Committee recommend that besides having meetings with the representatives of the SC/ST employees welfare association the liaison officers of the CCIT as well as the Chief Liaison Officer of Income Tax Department should hold meeting in regular intervals in order to sort out the problems of common interest. The Committee also recommend that in order to understand the interest of SC/ST employees better the Liaison Officers as well as the Chief Liaison Officer should be appointed from SC/ ST categories.

Reply of the Government

It may be pointed out that many Liaison Officers for SC/ST in the Income Tax Department belong to reserved category. For example, the Liaison Officers serving in the following charges belong to reserved categories:—

1. CCIT, Bhopal.
2. CCIT, Andhra Pradesh.
3. CCIT, Madras.
4. CCIT, Nagpur.
5. CCIT, Lucknow.
6. CCIT, Ahmedabad.

In some cases, all the officials working in SC/ST cell belong to reserved categories, *e.g.* Hyderabad.

The recommendations of the Committee that the Liaison Officers should hold meetings at regular intervals in order to sort out problems of common interest have been circulated to all concerned. The Chief Liaison Officer of the Income-Tax Department has been asked to hold such meetings at regular intervals on zonal basis. The recommendation of the Committee that Liaison Officers as well as Chief Liaison Officer, should be appointed from SC/ST category have been brought to the notice of all charges.

Recommendation (Sl. No. 10, Para No. 5.8)

The Committee note that there is a Liaison Officer in the rank of Dy. Secretary in CBEC who is assisted by a Section Officer and other staff. The Committee also note that at the collectorate level there is one Liaison Officer who is assisted by the concerned establishment branch. The Committee are concerned to find that there has been no occasion for the Liaison Officers to discuss the matters of common interests, though the Liaison Officers of the Collectorates have been holding regular and periodical meetings with the representatives of

SC/ST employees. The Committee, therefore, recommend that, besides meeting with the representatives of SC/ST employees, the Liaison Officers should also hold meetings among themselves in order to sort out the problems of common interest.

Reply of the Government

The recommendations of the Committee have been noted and the Liaison Officers in the field offices of CBEC have been directed to hold meetings among themselves in order to sort out the problems of common interest.

[F.No. H—11016/1/95—AD. IV(A), Dated 3.8.95]

Recommendation (Sl. No. 11, Para No. 6.5)

The Committee are dismayed to note that very less number of SC/ST employees are being sent abroad for training by CBDT. During 1991 and 1992 out of 20 and 29 persons sent for training abroad only 3 and 2 were from SC/ST categories respectively. During 1993 nobody was from SC/ST category though CBDT had sent 25 persons for training. During 1994 also out of 12 persons sent for training only 2 belonged to SC/ST. The Committee note that these specialised trainings under which persons are sent abroad are visualised as a process of developing skills, habits, knowledge and aptitude in officers for the purpose of increasing their effectiveness in the present assignments as well as preparing them for future assignments. The Committee found that training is a tool for personal development of individual officers. The Committee, thus, note with dismay that, CBDT is depriving the SC/ST employees of their development of skills, habits, knowledge, aptitude, etc. by not sending adequate number of them for specialised training abroad. The Committee, therefore, strongly recommend that adequate representation should be given to SC/ST employees while sending the employees abroad for specialised training in future.

Reply of the Government

The recommendation of the Committee has been noted and will be kept in view while nominating officers for training abroad in future.

Recommendation (Sl. No. 12, Para No. 6.14)

The Committee note with concern that out of 42 officers (Group A) sent abroad for specialised training by CBEC, only 4 were from SC categories. The Committee also note that 39 officers (including SC/ST) working in Central Excise and Customs have been sent for training under Colombo Plan. The Committee note that the specialised training programmes are found to be useful in giving the candidates an opportunity to exchange their experience with officers from other countries and also update their professional knowledge and information. The Committee are dismayed to note that very less number of SC/ST employees are sent abroad for training. They recommend that adequate number of SC/ST employees should be sent abroad for specialised training which would help them in developing their skill and professional knowledge.

Reply of the Government

The recommendation of the Committee has been noted and will be kept in view while nominating officers for training abroad in future.

[F.No. H—11016/1/95—AD. IV(A), Dated 3.8.95]

Recommendation (Sl. Nos. 13 and 14, Para No. 7.3)

The Committee are perturbed to note that there were 40 cases of false caste certificate in CBDT. The Committee note that out of these 5 cases have been closed after extensive inquiries as no *prima-facie* case of submission of false certificate was established. In two cases, the officials concerned after completion of disciplinary proceedings have been removed from service. Of the balance 33 cases, 9 cases are under investigation in consultation with the District Authorities concerned, 19 cases are sub- judice, pending in High Courts/Administrative Tribunal and in the remaining 5 cases disciplinary proceedings are pending. The Committee are unhappy to note that no criminal case has been lodged against any person found guilty of producing false caste certificate. "The Committee desire that CBDT should complete the investigation against those nine cases and apprise the Committee of the final outcome within six months."

Reply of the Government

All the charges in the Income Tax Department have been asked to follow the judgement of the Supreme Court in the case of false caste certificates. A progress report in regard to the 9 cases, will be sent separately.

Recommendation (Sl. No. 15, Para No. 7.8)

The Committee note that there are instances where persons have obtained employment in CBEC on the basis of false caste certificate. The Committee also note that nine cases of false caste certificates have been detected. Out of these, 2 cases are presently under investigation in consultation with local district authorities. In 4 cases, the candidates have gone to the courts and the matter, is sub-judice. In the rest of the 3 cases, disciplinary proceedings have been initiated.

In this connection the Committee would like to refer to the judgement of Supreme Court on the procedure for issuance of social status certificates, their scrutiny and their approval. According to the judgement, the certificate obtained or social status claimed if found to be false, the parent/guardian candidate should be prosecuted. If the prosecution ends in a conviction and sentence of the accused, it could be regarded as an offence involving moral turpitude, disqualification for elective posts or offices under the Union, or State or local body. It is also covered under the judgement that as soon as the finding is recorded by the scrutiny committee holding that the certificate obtained was false, on its cancellation and confiscation simultaneously it should be communicated to the institutions concerned or the appointing authority to cancel the appointment without any further notice to the candidate. The Committee desire that CBEC should carry out the judgement of the Supreme Court in such cases.

Reply of the Government

The field formations under the CBEC have been advised to follow the judgement of the Hon'ble Supreme Court in the case of false caste certificates.

[F. No. H. 11016/1/95-AD IV(A), Dated 3.8.95]

CHAPTER III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE REPLIES OF THE GOVERNMENT

Recommendation (Sl. No. 1, Para No. 1.4)

The Committee note that the officers of Indian Revenue Service (Income Tax) holding the rank of Chief Commissioner of Income Tax and equivalent are considered for appointment as Members of CBDT. The Committee are dismayed to note that none of the present Members of the Board belongs to SC/ST. The Committee also note that CBDT has no difficulty or constraint in appointing any SC/ST person on the CBDT, provided an eligible person belonging to reserved category is available. The Committee therefore are of the view that the Government should amend the existing guidelines so that atleast one person belonging to SC/ ST community, having necessary qualifications, should be appointed as a Member of CBDT so that the interest of SC/ST can be better taken care of.

Reply of the Government

Selection for appointment to the post of Members in the pay scale of Rs. 7300-8000 in the Central Board of Direct Taxes is made on the basis of seniority, merit, competence and suitability of officers. There is no difficulty or constraint in appointing any SC/ST person as the Member of the Central Board of Direct Taxes, provided an eligible person belonging to reserved category is available within the zone of consideration in the feeder grade of the Chief Commissioners of Income Tax.

Recommendation (Sl. No. 2, Para No. 1.7)

The Committee note that the officers of Indian Revenue Service (Central Excise and Customs) holding the rank of principal Collector of Excise and Customs are considered for appointment as Members of the CBEC. The Committee are unhappy to note that none of the Members of present Board belongs to SC/ST. The Committee also note that CBEC has no difficulty or constraint in appointing any SC/ST person on the CBEC provided an eligible person belonging to reserved category is available. The Committee desire that the Ministry should issue necessary instructions to CBEC so that at least one person belonging to SC/ST category, having necessary qualifications could be appointed as Member on the Board of CBEC in future.

Reply of the Government

There is no difficulty or constraint in appointing any SC/ST person as the Member of the Board of CBEC, provided an eligible person belonging to reserved category is available within the zone of consideration in the feeder grade of the Chief Commissioners of Excise and Customs.

[F. No. H-11016/1/95-AD, IV(A) Dated 3.8.1995]

Recommendation (Sl. No. 5, Para No. 3.7)

The Committee note that the number of carried forward vacancies in promotion for SCs and STs in CBDT during the years 1992, 1993 and 1994 were 141-131, 175-149 and 186-332 respectively. The main reason for shortfall in promotion is stated to be inability of the Staff Selection Commission to nominate adequate number of SC/ST candidates. The Committee also note that during the last three years, the number of reserved vacancies in the promotion quota which lapsed after carrying forward for 3 subsequent years were 134-116, 50-129 and 70-24 for SCs and STs respectively. The reasons for the lapse of reserved vacancies is stated to be non-availability of SC/ST candidates in the feeder grades. The Committee, are of the view that, since it has already been decided by the Government to divert the promotional posts to direct recruitment, the vacancies which are required to be filled up by promotion should not have let lapsed. In the opinion of the Committee, this is a violation, not only of the order of Government but also of the spirit of reservation. The Committee, therefore, recommend that the Ministry of Finance should make all out efforts to fill up the backlog vacancies reserved for SCs and STs as early as possible by giving some concessions in the qualifying period of service to them. They also recommend that the Ministry should continue to fill up the reserved promotional posts by diverting them to direct recruitments.

Reply of the Government

According to the instructions issued by the Government of India in their OM No. AB-14017/30/89-EST(RR) dt. 10.7.90 where recruitment to a grade is made both by promotion and direct recruitment, reserved vacancies falling in the promotion quota, which cannot be filled due to non-availability of eligible persons belonging to SCs/STs in the feeder cadre may be temporarily diverted to the direct recruitment quota and filled by recruitment of candidates belonging to SCs/STs, in accordance with the provision relating to direct recruitment contained in the Recruitment Rules. In the subsequent years when reserved vacancies in the direct recruitment quota become available, they may be diverted to promotional quota to make up for the vacancies diverted earlier and filled from SC/ST candidates in the feeder cadre, who might by them have become eligible for promotion. The above procedure is not applicable in cases where the posts in a cadre are filled 100% by promotion or in which there is no limit of direct recruitment prescribed in the Recruitment Rules. Most of the promotion posts in Gr. 'C'/'D' in the Income-tax Department are filled 100% by promotion, as shown below, and therefore, there is no violation of Government instructions in non-diversion of the unfilled SC/ST reserved vacancies in the promotion quota to the direct recruitment quota:—

Supervisor Gr. I	—	100% by promotion from Supervisor Gr. II.
Supervisor Gr. II	—	100% by promotion from Head Clerks.
Head Clerks	—	100% by promotion from UDC (including TAs).
Tax Assistants	—	100% by promotion from UDC.
Record Keeper	—	100% by promotion.
Notice Servers	—	100% by promotion from Gr. D.
Stenographer Gr. I	—	100% by promotion from Stenographer Gr. II.

Stenographer Gr. II	—	100% by promotion from Stenographer Gr. III.
Sr. Gestetner Operator	—	100% by promotion from Jr. Gestetner Operator
Jamadar/Daftry	—	100% by promotion from Farrash
Jr. Gestetner Operator	—	100% by promotion from Gr. D.

The existing instructions issued by the Government of India do not provide for any concession for SC/ST candidates in the qualifying period of service or other conditions laid down in the Recruitment rules for promotion to the next higher post. The recommendation of the Committee that some concessions in the qualifying period of service should be given to SC/ST employees has been referred to the DOP&T for necessary action.

Recommendation of the Committee

Pl. see para 1.8 of Chapter I

Recommendation (Sl. No. 7, Para No. 4.4)

The Committee are unhappy to note that out of the 37 persons taken on deputation in CBDT only 1 belong to SC/ST category. The reason for taking very less number of SC/ST person on deputation is stated to be that very limited number of SC/ST employees applied for appointment on deputation basis. The Committee also note that out of 150 Group A Officers sent on deputation to other departments 12 persons belong to SC/ ST. The reason for sending very less number of SC/ST officers on deputation is that few officers belonging to reserved categories are willing to proceed on deputation to other departments. The Committee are concerned to observe that very less number of persons belonging to SC/ST categories are either taken on or sent on Deputation by CBDT. The Committee recommend that CBDT should encourage the SC/ST employees to go on deputation and also to apply for appointment in CBDT on deputation basis so that their outlook knowledge could be broadened.

Reply of Government

There is at present no reservation for SC/ST in deputation posts. The recommendations of the Committee that SC/ST employees should be encouraged to go on deputation and to apply for appointments in CBDT on deputation basis so that their outlook and knowledge could be broadened, have been circulated to all the Charges in the Income Tax Department.

CHAPTER IV

RECOMMENDATIONS/OBSERVATIONS REPLIES TO WHICH HAVE NOT BEEN ACCEPTED BY THE COMMITTEE WHICH NEED REITERATION

—NIL—

CHAPTER V

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES OF THE GOVERNMENT HAVE NOT BEEN RECEIVED

—NIL—

NEW DELHI;
December, 1995
Agrahayana, 1917 (S)

PARASRAM BHARDWAJ,
Chairman,
Committee on the Welfare of
Scheduled Castes and Scheduled Tribes.

APPENDIX

(*Vide* para 4 of the Introduction)

Analysis of the Action Taken by Government on recommendation contained in the Fiftieth Report (Tenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

1.	Total number of Recommendations	15
2.	Recommendations/observations which have been accepted by Government (vide Recommendations at Sl. No. 3, 4, 6, 8, 9, 10, 11, 12, 13, 14 and 15)	
	Number	11
	Percentage to total	73.3%
3.	Recommendations/observations which the Committee do not desire to pursue in view of Government replies (vide recommendations at Sl. No. 1, 2, 5 and 7)	
	Number	4
	Percentage to total	26.7%
4.	Recommendation/observation in respect of which replies of Government have not been accepted by the Committee and which require reiteration (vide recommendation at Sl. No. NIL).	
	Number	NIL
	Percentage to total	NIL
5.	Recommendation/observation in respect of which final replies of Government have not been received (vide recommendation at Sl. No. NIL)	
	Number	NIL
	Percentage of total	NIL